

## HOUSE COMMITTEE ON JUDICIARY

June 19, 2003 Hearing Room 357

1:00 p.m. Tapes 223 - 224

**MEMBERS PRESENT:**        **Rep. Max Williams, Chair**  
                                  **Rep. Robert Ackerman, Vice-Chair**  
                                  **Rep. Gordon Anderson, Vice-Chair**  
                                  **Rep. Jeff Barker**  
                                  **Rep. Bob Jenson**  
                                  **Rep. Jerry Krummel**  
                                  **Rep. Greg Macpherson**  
                                  **Rep. Floyd Prozanski**  
                                  **Rep. Lane Shetterly**

**STAFF PRESENT:**        **Bill Taylor, Counsel**  
                                  **Nancy Masee, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 2759 Work Session**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 223, A</b>		
003	Chair Williams	Calls the meeting to order at 1:12 p.m. Opens work session on HB 2759.
<b><u>HB 2759 WORK SESSION</u></b>		
013	Chair Williams	Comments on interest groups and committees working with addressing the court funding issues.
036	Bill Taylor	Committee Counsel. Explains HB 2759 which eliminates legislative policy and intent that judges of circuit court need adequate court services to assist courts in exercising jurisdiction over family and family-related matters. Discusses amendments to be considered, -2, -9, -18, -19, -21, -22, -23, -24, and -25 <b>(EXHIBITS A-I)</b> .
077	Chair Williams	Comments on amendments.
099	Doug Bray	Trial Court Administrator, Multnomah County. Introduces Susan Klosterman and Judge Dale Koch. Mentions that the Oregon State Bar will speak to the -21 amendments.
124	Bray	Discusses the -2 amendments which adjust all fees. Speaks to the -9 amendments and the -18 amendments.
208	Bray	Explains the -21 amendments. Discusses the -22 amendments.
258	Bray	Continues discussing the -22 amendments. Explains the -24 amendments. Explains how -25 amendments change how violations are handled in fee schedules.
381	Rep. Jenson	Asks about the -2 amendments.
387	Bray	Responds on the public safety budget.
407	Rep. Jenson	Asks about the -18 amendments.
<b>TAPE 224, A</b>		
011	Rep. Barker	Asks about the <i>Brown vs. Multnomah County</i> case.
013	Bray	Discusses the case.

029	Rep. Barker	Asks about refund of filing fees.
038	Bray	Responds on 15-day period for filing for refund.
045	Rep. Krummel	Refers to the -22 amendments and asks about a concern of creating loss of access to the court.
055	Bray	Says that is a serious concern.
063	Rep. Krummel	Asks if a series of motions are filed, can there be a daily cost.
078	Chair Williams	Explains how papers are handled in a process with multiple filings.
126	Judge Koch	Multnomah County Circuit Court. Testifies in support of HB 2759 and gives example of how multiple filings can be processed.
150	Rep. Krummel	Discusses court fees.
168	Vice Chair Ackerman	Asks if types of fees have been considered for certain proceedings.
178	Bray	Agrees that those proceedings may support a fee.
191	Vice Chair Ackerman	Wonders if the committee should pursue these alternative funding methods.
200	Bray	Answers that they have tried to come up with other funding for a revenue basis.
207	Vice Chair Ackerman	Refers to -21 amendments. Wonders if agricultural committee needs the current mediation program.
218	Bray	Defers to the Oregon State Bar and Oregon Legal Services to address that issue.
238	Vice Chair Ackerman	Asks about the -22 amendments and elimination of fees.
241	Bray	Talks about those proceedings.
271	Rep. Macpherson	Asks about costs of civil litigation in business.
282	Bray	Responds that the filing fee is \$167; the jury trial fee is \$175; and the court trial fee is \$75.
295	Rep. Macpherson	Asks about cost of range of service that the courts deliver.
310	Judge Koch	Comments on the court fees and describes difficulty in sorting out cases by type.
322	Rep. Macpherson	Asks if there has been any analysis done regarding the court cost and attorney fees.
334	Bray	Replies that it is difficult to attach a specific fee to a type of case.
352	Rep. Macpherson	Asks about the dispute resolution process.
363	Bray	Says that he is not prepared to answer that question.
369	Rep. Prozanski	Refers to the -22 amendments, Section 9, page 8.
419	Judge Koch	Answers there is a fee for the filing of a motion and that fee is for filing a response.
434	Rep. Prozanski	Asks if there is an issue for certain individuals to be able to bring their enforcement actions forward.
441	Judge Koch	Answers that the fee for that motion is \$45 and can be waived or deferred with a judgment entered against the responding party.
<b>TAPE 223, B</b>		
010	Rep. Prozanski	Asks if judges across the state will be willing to defer the fee.
020	Judge Koch	Responds on enforcement obligations.
035	Rep. Prozanski	Asks when jury trial fee is due; is it when trial is set or when they initially file.
036	Bray	Answers due at the time trial is set.
039	Rep. Prozanski	Asks how much will be collected under Section 9, page 8 of the -22 amendments.
044	Klossman	Believes approximately \$1.5 million.
059	Michael Mason	Confederated Tribes of the Warm Springs Reservation/Chair,

		Legal Aid Services of Oregon. Testifies in support of the -2 amendments and the -21 amendments. Describes how offices would have to be closed without this bill.
168	Bob Oleson	Oregon State Bar. Testifies in support of HB 2759 and the amendments.
183	Jim Markee	Oregon Collectors Association and Mortgage Lenders Association. Describes work group that worked on fees. Supports HB 2759 and amendments.
247	Vice Chair Ackerman	Asks what type of mediation is being done through the Department of Agriculture.
252	Mason	Answers that it is a wide range of legal cases. Does not know who does the mediation.
266	Vice Chair Ackerman	Asks if there is a “means” test. Wonders if we are subsidizing people who can pay.
269	Mason	Says he does not believe there is a “means” test and that it is family farmers using the service.
274	Vice Chair Ackerman	Asks about filing fees for summary judgment proceedings. Asks if they have discussed a fee structure for these proceedings.
283	Olson	Answers that there has been a lot of discussion about different ways to generate money.
291	Susan Grabe	Oregon State Bar. Testifies on HB 2759 and says that issue came up, but there was resistance to the idea so they did not pursue it.
300	Vice Chair Ackerman	Inquires who opposed it.
303	Grabe	Answers practitioners and court staff. Says they thought it would be difficult to track fees on motions.
316	Chair Williams	Comments that early next week there will be another work session on this bill and then the bill will be referred to Ways and Means.
332	Rep. Prozanski	Asks about a consolidated amendment.
336	Chair Williams	Says that there will be one consolidated amendment to vote on.
367	Vice Chair Ackerman	Comments on issues raised for additional funds.
380	Chair Williams	Asks Vice Chair Ackerman to work with Mr. Mason on his amendment. Closes the work session on HB 2759. Adjourns the meeting at 2:32 p.m.

## **EXHIBIT SUMMARY**

- A – HB 2759, -2 amendments, submitted by staff, dated 3/20/03, 75 pgs.**
- B – HB 2759, -9 amendments, submitted by staff, dated 5/6/03, 3 pgs.**
- C – HB 2759, -18 amendments, submitted by staff, dated 6/13/03, 2 pgs.**
- D – HB 2759, -19 amendments, submitted by staff, dated 6/13/03, 3 pgs.**
- E – HB 2759, -21 amendments, submitted by staff, dated 6/13/03, 7 pgs.**
- F – HB 2759, -22 amendments, submitted by staff, dated 6/13/03, 11 pgs.**
- G – HB 2759, -23 amendments, submitted by staff, dated 6/13/03, 1 pg.**
- H – HB 2759, -24 amendments, submitted by staff, dated 6/16/03, 4 pgs.**
- I – HB 2759, -25 amendments, submitted by staff, dated 6/18/03, 4 pgs.**